

Message Text

CONFIDENTIAL

PAGE 01 STATE 056063

15

ORIGIN EUR-25

INFO OCT-01 EA-11 IO-14 ISO-00 ACDA-19 AEC-11 AF-10 ARA-16

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NASA-04 NEA-10

NSAE-00 NSC-07 OIC-04 SPC-03 PA-04 PRS-01 RSC-01

SCI-06 SS-20 USIA-15 SAJ-01 /206 R

DRAFTED BY EUR/CE:HWILGIS:BCM

APPROVED BY EUR - MR STABLER

EUR/CE - MR GEORGE

ACDA - MR VAN DOREN

----- 032821

R 202224Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY BERN

AMEMBASSY MOSCOW

USMISSION IAEA VIENNA

USMISSION EC BRUSSELS

USMISSION NATO

C O N F I D E N T I A L STATE 056063

E.O. 11652: GDS

TAGS: MILI, GW

SUBJ: GERMAN RATIFICATION OF THE NPT

1. GERMAN CHARGE NOEBEL CALLED ON ACTING ASSISTANT SECRETARY STABLER MARCH 12 TO PRESENT A DRAFT GERMAN STATEMENT ON THE NPT AND A CONFIDENTIAL EXPLANATION OF THAT STATEMENT. THE DRAFT STATEMENT WOULD ACCOMPANY THE CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 056063

INSTRUMENTS OF RATIFICATION WHEN THEY ARE DEPOSITED.

NOEBEL DID NOT KNOW IF THE CONFIDENTIAL EXPLANATION WOULD BE MADE PUBLIC AT SOME FUTURE TIME.

2. THE TEXT OF THE DRAFT STATEMENT:

QUOTE. IN CONNECTION WITH THE DEPOSIT TODAY OF THE INSTRUMENTS OF RATIFICATION OF THE FEDERAL REPUBLIC OF GERMANY TO THE TREATY OF 1 JULY 1968 ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY SETS OUT BELOW IN SUMMARY FORM THE CONDITIONS ON WHICH THE FEDERAL REPUBLIC OF GERMANY BECOMES A PARTY TO THE TREATY AND ON WHICH IT COMMENTED IN ITS NOTE AND IN ITS STATEMENT OF 28 NOVEMBER 1969 ON THE OCCASION OF SIGNING THE TREATY.

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

1. REAFFIRMS ITS EXPECTATION THAT THE TREATY WILL BE A MILESTONE ON THE WAY TOWARDS DISARMAMENT, INTERNATIONAL DETENTE, AND PEACE, AND THAT IN PARTICULAR THE NUCLEAR-WEAPON STATES WILL INTENSIFY THEIR EFFORTS IN ACCORDANCE WITH THE UNDERTAKING AND AIMS EMBODIED IN ARTICLE VI OF THE TREATY,

2. UNDERSTANDS THAT THE SECURITY OF THE FEDERAL REPUBLIC OF GERMANY CONTINUES TO BE ENSURED BY NATO, THE FEDERAL REPUBLIC OF GERMANY WILL FOR ITS PART REMAIN COMMITTED TO THE COLLECTIVE SECURITY ARRANGEMENTS OF NATO,

3. STATES THAT NO PROVISION OF THE TREATY MAY BE INTERPRETED IN SUCH A WAY AS TO HAMPER THE FURTHER DEVELOPMENT OF EUROPEAN UNIFICATION, ESPECIALLY THE CREATION OF A EUROPEAN UNION WITH APPROPRIATE COMPETENCIES,

4. UNDERSTANDS THAT RESEARCH, DEVELOPMENT AND USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES, AS WELL AS INTERNATIONAL AND MULTINATIONAL COOPERATION IN THIS FIELD, MUST NOT BE HAMPERED BY THE TREATY,

5. UNDERSTANDS THAT THE APPLICATION OF THE TREATY,
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 056063

INCLUDING THE IMPLEMENTATION OF SAFEGUARDS, WILL NOT LEAD TO DISCRIMINATION OF THE GERMAN NUCLEAR INDUSTRY IN INTERNATIONAL COMPETITION,

6. STRESSES ONCE AGAIN IN THIS CONNECTION THE VITAL IMPORTANCE WHICH IT ATTACHES TO THE UNDERTAKING GIVEN BY THE UNITED STATES AND GREAT BRITAIN CONCERNING THE APPLICATION OF SAFEGUARDS TO THEIR PEACEFUL NUCLEAR

FACILITIES, AND HOPES THAT OTHER NUCLEAR-WEAPON STATES
WILL ASSUME SIMILAR OBLIGATIONS.

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY REQUESTS
THE GOVERNMENT OF THE UNITED STATES TO COMMUNICATE THE
TEXT OF THIS STATEMENT TO ALL SIGNATORY AND ACCEDING
STATES IN ACCORDANCE WITH PARAGRAPH 5 OF ARTICLE IX OF
THE TREATY. UNQUOTE.

3. THE TEXT OF THE CONFIDENTIAL EXPLANATION:

QUOTE. "1. IN A NOTE TO THE GOVERNMENTS OF ALL STATES
WITH WHOM THE FEDERAL REPUBLIC OF GERMANY MAINTAINED
DIPLOMATIC RELATIONS AT THAT TIME, TO WHICH WAS ATTACHED

A "STATEMENT BY THE FEDERAL GOVERNMENT" OF THE SAME
DATE, THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
HAD ALREADY SET OUT ON THE DAY OF SIGNATURE, I.E. ON
28 NOVEMBER 1969, THE CONDITIONS ON WHICH IT SIGNED THE
TREATY OF 1 JULY 1968 ON THE NON-PROLIFERATION OF NUCLEAR
WEAPONS.

2. UPON DEPOSITING THE INSTRUMENTS OF RATIFICATION TO
THAT TREATY, THE FEDERAL GOVERNMENT INTENDS TO HAND OVER
ANOTHER STATEMENT REPEATING OR SUMMARIZING THOSE CONDI-
TIONS TO THE EXTENT THAT THEY ARE STILL RELEVANT. SPECIAL
IMPORTANCE ATTACHES TO SUB-PARAGRAPH 3 WHICH REFERS TO
EUROPEAN UNIFICATION. THE RELEVANT PASSAGE (PARAGRAPH 1)
IN THE NOTE OF 28 NOVEMBER 1969 READ:

"THE FEDERAL GOVERNMENT UNDERSTANDS

.....

- THAT THE TREATY SHALL NOT HAMPER THE UNIFICATION OF THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 056063

EUROPEAN STATES."

PARAGRAPH 9 OF THE STATEMENT ATTACHED TO THAT NOTE READ:

"THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

.....

(9) SIGNS THE TREATY CONVINCED THAT IT WILL NOT HAMPER
EUROPEAN UNIFICATION."

3. COMPARED WITH THIS, THE WORDING OF SUB-PARAGRAPH 3
OF THE REVISED STATEMENT IS BOTH MORE SPECIFIC ("NO
PROVISION OF THE TREATY MAY BE INTERPRETED IN SUCH A
WAY AS TO HAMPER") AND MORE COMPREHENSIVE. IT
NOW ALSO COVERS THE SO-CALLED "EUROPEAN OPTION" WITHIN
THE MEANING OF THE SIXTH AMERICAN INTERPRETATION OF THE

NON-PROLIFERATION TREATY WITHOUT QUOTING OR NAMING IT
("THE CREATION OF A EUROPEAN UNION WITH APPROPRIATE
COMPETENCIES").

THIS FORMULA IS INTENDED TO EXPRESS THE FOLLOWING:

A) THE CREATION OF A "EUROPEAN UNION" IS ONE OF THE AIMS
OF THE NINE MEMBER STATES OF THE EUROPEAN COMMUNITY (SEE
COMMUNIQUE ISSUED AFTER THE PARIS MEETING OF HEADS OF
STATE OR GOVERNMENT ON 19 AND 20 OCTOBER 1972).

B) AT PRESENT IT IS NOT POSSIBLE TO FORESEE WHAT COMPE-
TENCIES SUCH A EUROPEAN UNION WILL HAVE IN 1980 OR
LATER. HOWEVER, THE FEDERAL GOVERNMENT WISHES WITH THIS

STATEMENT TO LEAVE NO DOUBT THAT NO TRANSITION OF NATIONAL
COMPETENCIES, IN WHATEVER FORM, UPON WHICH THE MEMBER
STATES OF THE FUTURE "EUROPEAN UNION" HAVE AGREED
CAN BE REGARDED AS BEING INCONSISTENT WITH THE NON-
PROLIFERATION TREATY.

C) THIS APPLIES IN PARTICULAR TO THE RIGHT OF A EUROPEAN
UNION TO RESORT, IF NECESSARY, TO NUCLEAR WEAPONS FOR
ITS DEFENCE. THE RIGHT OF A STATE TO DEFEND ITSELF,
EITHER INDIVIDUALLY OR WITHIN A COLLECTIVE SYSTEM, IS
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 056063

ONE OF THE MOST FUNDAMENTAL COMPETENCIES INHERENT IN
NATIONAL SOVEREIGNTY. THAT COMPETENCE DERIVES FROM
GENERAL INTERNATIONAL LAW AND IS EMBODIED IN PARTICULAR
IN ARTICLE 51 OF THE UNITED NATIONS CHARTER. SUB-
PARAGRAPH 3 OF THE STATEMENT IS INTENDED TO EXPRESS
THAT THE TRANSFER OF THAT COMPETENCE, IN SO FAR AS THE
MEMBER STATES OF A FUTURE "EUROPEAN UNION" REACH AGREE-
MENT ON IT, IS NOT INCONSISTENT WITH THE NON-PROLIFERATION
TREATY.

D) THIS IS CONSONANT WITH THE VIEW EXPRESSED BY THE
UNITED STATES ADMINISTRATION IN THEIR SIXTH INTERPRE-
TATION REGARDING THE CONDITIONS FOR THE "SUCCESSION BY
A NEW FEDERATED EUROPEAN STATE TO THE NUCLEAR STATUS
OF ONE OF ITS FORMER COMPONENTS". THE FEDERAL GOVERNMENT
SHARES THIS VIEW. THE PHRASE "..... WITH APPROPRIATE
COMPETENCIES" IS INTENDED TO INDICATE THAT THE COMPE-
TENCE OF THE PROSPECTIVE EUROPEAN UNION FOR NUCLEAR
WEAPONS WILL EQUALLY NOT BE AFFECTED BY THE NON-PRO-
LIFERATION TREATY AND THAT IN THIS RESPECT, TOO, THE
TREATY IS NOT CONTRARY TO THE "EUROPEAN OPTION".

4. THE FEDERAL GOVERNMENT REQUESTS THE UNITED STATES GOVERNMENT TO TAKE NOTE OF THESE CONSIDERATIONS AND INTENTIONS OF THE FEDERAL GOVERNMENT WHICH WILL ALSO BE MADE KNOWN TO THE OTHER MEMBERS OF THE EUROPEAN COMMUNITY AT THE MEETING OF POLITICAL DIRECTORS ON 12-13 MARCH 1974. THIS NOTIFICATION DOES NOT IMPLY, HOWEVER, THAT THE FEDERAL REPUBLIC OF GERMANY IS ABOUT TO DEPOSIT ITS INSTRUMENTS OF RATIFICATION. THE DATE OF T-E DEPOSIT DEPENDS ON THE CLARIFICATION OF A NUMBER OF LEGAL AND PROCEDURAL QUESTIONS WHICH ALSO CONCERN OTHER NON-NUCLEAR WEAPON STATES MEMBERS OF THE EUROPEAN COMMUNITY." UNQUOTE.

4. STABLER CALLED IN NOEBEL MARCH 20 IN ORDER TO MAKE THE FOLLOWING COMMENTS ABOUT THE TWO DOCUMENTS:

-- WE WELCOME THE OPPORTUNITY TO CONSULT WITH YOU ON YOUR DRAFT STATEMENT CONCERNING THE NPT AND THE CONFIDENTIAL EXPLANATION OF THAT STATEMENT WHICH YOU GAVE CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 056063

US ON MARCH 12.

-- WE HAVE NO OBJECTION TO THE TEXT OF THE STATEMENT WHICH YOUR GOVERNMENT IS CONSIDERING MAKING IN CONNECTION WITH THE DEPOSIT OF ITS INSTRUMENT OF RATIFICATION.

-- WE ASSUME THAT THE CONFIDENTIAL EXPLANATION OF YOUR PROPOSED STATEMENT IS NOT INTENDED FOR PRESENTATION TO THE SOVIET GOVERNMENT, CIRCULATION TO THE PARTIES, OR PUBLICATION.

-- WITH RESPECT TO THE CONFIDENTIAL EXPLANATION, WE ARE PLEASED TO NOTE IN PARAGRAPH 3(D) THAT IT IS INTENDED TO BE QUOTE CONSONANT WITH THE VIEW EXPRESSED BY THE UNITED STATES ADMINISTRATION IN THEIR SIXTH INTERPRETATION REGARDING THE CONDITIONS FOR 'SUCCESSION BY A FEDERATED EUROPEAN STATE TO THE NUCLEAR STATUS OF ONE OF ITS FORMER COMPONENTS' UNQUOTE AND THAT THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY SHARES THIS VIEW, WHICH WAS PART OF THE PUBLIC RECORD BOTH OF THE NEGOTIATION OF THE TREATY AND OF OUR OWN DOMESTIC RATIFICATION PROCEEDINGS.

5. ACDA DIRECTOR IKLE MADE SAME POINTS TO DISARMAMENT COMMISSIONER ROTH DURING LATTER'S VISIT TO WASHINGTON WEEK OF MARCH 18.

6. EMBASSY BONN MAY USE POINTS IN PARA 4 WITH FOREIGN

MINISTRY.

KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NPT, TREATY RATIFICATION, NUCLEAR AGREEMENTS, COLLECTIVE SECURITY, NUCLEAR SAFEGUARDS, NONPROLIFERATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE056063
Document Source: CORE
Document Unique ID: 00
Drafter: HWILGIS:BCM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740059-0869
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740328/aaaabads.tel
Line Count: 280
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 25 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 MAR 2002 by kelleyw0>; APPROVED <06 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GERMAN RATIFICATION OF THE NPT
TAGS: MILI, GE
To: BONN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005